

**SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM**

**SUBJECT:** REQUEST FOR FENCE SETBACK VARIANCE FROM 25 FT TO 10 FT FOR PROPERTY LOCATED AT 5423 WHITE HERON PLACE; (MICHAEL JUDD, APPLICANT).

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Earnest McDonald **EXT.** 7430

**Agenda Date** 05-19-03 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR FENCE SETBACK VARIANCE FROM 25 FT TO 10 FT FOR PROPERTY LOCATED AT 5423 WHITE HERON PLACE; (MICHAEL JUDD, APPLICANT); OR
2. **DENY** THE REQUEST FOR FENCE SETBACK VARIANCE FROM 25 FT TO 10 FT FOR PROPERTY LOCATED AT 5423 WHITE HERON PLACE; (MICHAEL JUDD, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

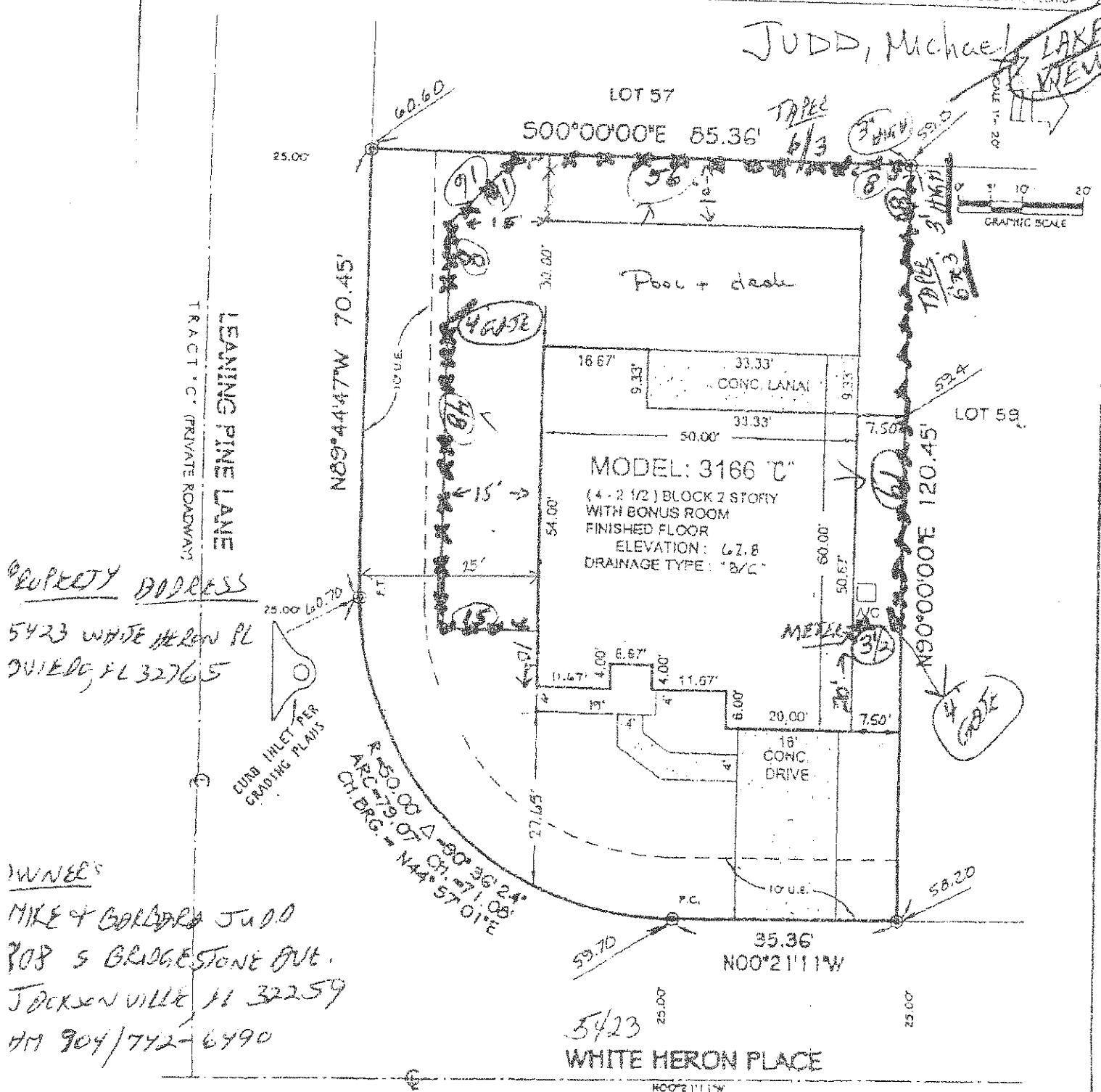
(Commission District #1, Maloy)

(Earnest McDonald, Principal Coordinator)

<b>GENERAL INFORMATION</b>	MICHAEL JUDD 5423 WHITE HERON PLACE OVIEDO, FL 32765	R-1 DISTRICT, LDC SECTION 30.186(a)(2)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>THE APPLICANT PROPOSES TO ERECT A PRIVACY FENCE APPROXIMATELY 10 FT FROM THE PROPERTY LINE ABUTTING LEANING PINE LANE AND ENCROACH 15 FT INTO THE 25 FT MINIMUM SIDE STREET SETBACK.</li> <li>A VARIANCE FROM 25 FT TO 10 FT IS THEREBY REQUESTED.</li> </ul>	
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"> <li>THE SUBJECT PROPERTY CONFORMS ALMOST EXACTLY TO THE R-1 DISTRICT MINIMUM STANDARDS FOR LOT SIZE AND SETBACKS. UNLIKE TYPICAL INTERIOR LOTS OF THE SAME SIZE AND CONFIGURATION, THE SUBJECT PROPERTY MUST CONFORM TO A STREET SIDE YARD SETBACK EQUIVALENT TO A FRONT YARD SETBACK SINCE ITS SIDE YARD ABUTS A RIGHT-OF-WAY. THE APPLICATION OF THE 25 FT SIDE STREET SETBACK STANDARD ALONG LEANING PINE LANE, AS OPPOSED TO THE TYPICAL 7.5 FT SIDE YARD STANDARD FOR SIMILARLY</li> </ul>	

	<p>SIZED INTERIOR LOTS RESULTED IN REDUCED BUILDABLE AREA FOR THE CONSTRUCTION OF A FENCE.</p> <ul style="list-style-type: none"><li>• THE SPECIAL CIRCUMSTANCE DESCRIBED DID NOT RESULT FROM THE APPLICANT'S ACTIONS.</li><li>• THE REDUCTION OF THE SIDE STREET SETBACK BELOW 15 FT AS ALLOWED BY THE LDC UPON APPROVAL BY THE COUNTY TRAFFIC ENGINEER, WOULD CONFER SPECIAL PRIVILEGES TO THE APPLICANT BY ALLOWING ENCROACHMENT INTO THE SIDE STREET YARD BEYOND ESTABLISHED LIMITS IN THE NEIGHBORHOOD.</li><li>• THE APPLICATION OF THE MINIMUM SIDE STREET SETBACK STANDARD WOULD DEPRIVE THE APPLICANT OF PRIVACY RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE R-1 DISTRICT, AS THE EXISTING POOL SCREEN ENCLOSURE TO THE REAR OF THE HOME WOULD PRECLUDE THE CONSTRUCTION OF A CONFORMING FENCE</li><li>• THE REQUESTED VARIANCE IS NOT THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE SUBJECT PROPERTY. REASONABLE USE OF THE PROPERTY COULD BE ACQUIRED WITHOUT THE REQUESTED VARIANCE THROUGH THE REDUCTION OF THE SIDE STREET SETBACK FROM 25 FT TO 15 FT AS APPROVED BY THE SEMINOLE COUNTY TRAFFIC ENGINEER.</li><li>• THE TRAFFIC ENGINEERING DIVISION HAS CONFIRMED THE REDUCTION OF THE SETBACK TO 15 FT WOULD NOT ADVERSELY IMPACT VEHICULAR SIGHT DISTANCE ALONG LEANING PINE LANE.</li></ul>
<b>STAFF RECOMMENDATION</b>	<ul style="list-style-type: none"><li>• STAFF RECOMMENDS DENIAL OF THE REQUEST BASED ON THE FINDINGS STATED IN THIS REPORT. IF THE BOARD SHOULD APPROVE A VARIANCE FOLLOWING THE DEMONSTRATION OF A HARDSHIP BY THE APPLICANT, STAFF RECOMMENDS THE IMPOSITION OF THE FOLLOWING CONDITION:<ul style="list-style-type: none"><li>○ ANY FENCE SETBACK VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED SECTIONS OF FENCE THAT ENCROACH INTO THE SIDE STREET SETBACK ALONG LEANING PINE LANE, AS DEPICTED ON THE ATTACHED SITE PLAN.</li></ul></li></ul>

PLOT PLAN for: LENNAR HOMES, INC.  
 DESCRIPTION: LOT 58, CYPRESS HEAD AT THE ENCLAVE  
 RECORDED IN PLAT BOOK 57 PAGE(S) 62 thru 66 PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA



- NOTES:**
1. BEARINGS ARE BASED ON THE CENTERLINE OF WHITE HERON PLACE BEING N00°21'11\"
  2. ELEVATIONS AND LOT DRAINAGE TYPE SHOWN HEREON ARE BASED ON SITE ENGINEERING PLANS FOR THE PROJECT.
  3. BUILDING TIES ARE TO FOUNDATION.

**FLOOD CERTIFICATION**  
 BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, THE STRUCTURE SHOWN HEREON DOES NOT LIE WITHIN THE 100 YEAR FLOOD HAZARD AREA. THIS STRUCTURE LIES IN ZONE "X".

**BUILDING SETBACKS**  
 FRONT: 25'  
 REAR: 30'  
 SIDE: 7.5'  
 SIDE STREET: 25'  
 BUILDING LINE: 70'

PROPERTY ADDRESS

5423 WHITE HERON PL  
 DUNED, FL 32765

OWNERS

MIKE & GOLDBRA Judd  
 708 S BRIDGESTONE BL.  
 JACKSONVILLE, FL 32259  
 AM 904/742-6490

5423  
 WHITE HERON PLACE



**Marcia Haeffner**

05/06/2003 11:42 AM

To: Earnest McDonald/Seminole@Seminole  
cc: Steven Douglas/Seminole@Seminole  
Subject: Leaning Pine Lane @ White Heron Place

Earnest:

We have completed a review of the property located at the corner of Leaning Pine Lane @ White Heron Place, parcel number 28-21-31-5PU-0000-0580. Upon completing the review, we currently see no problem as it relates to vehicular sight distance by reducing the property line set back to ten (10) feet as requested.

Marcia Haeffner, Sr. Coordinator  
Seminole County Traffic Engineering  
140 Bush Loop  
Sanford, Florida 32773  
Phone: 407-665-5682  
Fax: 407-665-5623